

IDAHO ADMINISTRATIVE BULLETIN

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Preface

The Idaho Administrative Bulletin is published once each month by the Department of Administration, Office of the Administrative Rules Coordinator, pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all administrative rulemaking documents in Idaho. The Bulletin publishes the official text notice and full text of such actions.

State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of a rulemaking activity through the Idaho Administrative Bulletin and the Legal Notice published monthly in local newspapers. The Legal Notice provides reasonable opportunity for public input, either oral or written, which may be presented to the agency within the time and manner specified in the Legal Notice. After the comment period closes, the agency considers fully all information submitted in regard to the rule. Comment periods are not provided in temporary or final rulemaking activities.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is cited by year and issue number. For example, Bulletin 00-1 refers to the first Bulletin issued in calendar year 2000, Bulletin 01-1 refers to the first Bulletin issued in calendar year 2001, etc. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 1 refers to January; Volume No. 2 refers to February; and so forth. Example: The Bulletin published in January of 2001 is cited as Volume 01-1, the December 1999 Bulletin is cited as Volume 99-12. The March 2000 Bulletin is cited as Volume 00-3.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

The Idaho Administrative Code is published once a year and is a compilation or supplemental compilation of all final and enforceable administrative rules in effect in Idaho. In an effort to provide the reader with current, enforceable rules, temporary rules are also published in the Administrative Code. Temporary rules and final rules that have been adopted and approved by the legislature during the legislative session, and published in the monthly Idaho Administrative Bulletin, supplement the Administrative Code. Negotiated, proposed, and pending rules are not printed in the Administrative Code and are published only in the Bulletin.

*To determine if a particular rule remains in effect, or to determine if a change has occurred, the reader should refer to the **Cumulative Index of Administrative Rulemaking**, printed in each Bulletin.*

TYPES OF RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

The state of Idaho administrative rulemaking process comprises five distinct activities; Proposed, Negotiated, Temporary, Pending, and Final rulemaking. In the majority of cases, the process begins with proposed rulemaking and ends with final rulemaking. The following is a brief explanation of each type of administrative rule.

NEGOTIATED RULE

Negotiated rulemaking is a process in which all interested parties and the agency seek a consensus on the content of the rule. Agencies are encouraged to proceed through this informal rulemaking whenever it is feasible to do so. Publication of the text in the Administrative Bulletin by the agency is optional. This process should lead the

rulemaking to the temporary and/or proposed rule stage.

PROPOSED RULE

A proposed rulemaking is an action by an agency in which the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a notice of proposed rulemaking in the Bulletin. The notice of proposed rulemaking must include:

- a) the specific statutory authority for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking;*
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;*
- c) the text of the proposed rule prepared in legislative format;*
- d) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;*
- e) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;*
- f) the manner in which persons may request an opportunity for an oral presentation; and*
- g) the deadline for public (written) comments on the proposed rule.*

As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may proceed to the pending rule stage. A proposed rule does not have an assigned effective date unless published in conjunction with a temporary rule docket. An agency may vacate a proposed rulemaking if it decides not to proceed further with the promulgation process.

TEMPORARY RULE

Temporary rules may be adopted only when the governor finds that it is necessary for:

- a) the protection of the public health, safety, or welfare; or*
- b) compliance with deadlines in amendments to governing law or federal programs; or*
- c) conferring a benefit.*

If a rulemaking meets any one or all of the above requirements, a rule may become effective before it has been submitted to the legislature for review and the agency may proceed and adopt a temporary rule.

A temporary rule expires at the conclusion of the next succeeding regular session of the legislature unless the rule is approved, amended, or modified by concurrent resolution or when the rule has been replaced by a final rule.

In cases where the text of the temporary rule is the same as that of the proposed rule, the rulemaking can be done concurrently as a temporary/proposed rule. State law requires that the text of a proposed or temporary rule be published in the Administrative Bulletin. Combining the rulemaking allows for a single publication of the text.

An agency may rescind a temporary rule that has been adopted and is in effect if the rule is being replaced by a new temporary rule or has been published concurrently with a proposed rulemaking that is being vacated.

PENDING RULE

A pending rule is a rule that has been adopted by an agency under the regular rulemaking process and remains subject to legislative review before it becomes a final, enforceable rule.

When a pending rule is published in the Bulletin, the agency is required to include certain information in the Notice of Pending Rule. This includes:

- a) the reasons for adopting the rule;*
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;*
- c) the date the pending rule will become final and effective; and*
- d) an identification of any portion of the rule imposing or increasing a fee or charge.*

Agencies are required to republish the text of the rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule. With the permission of the Rules Coordinator, only the Section(s) that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the Notice of Pending Rule is published.

FINAL RULE

A final rule is a rule that has been adopted by an agency under the regular rulemaking process and is in effect.

No pending rule adopted by an agency will become final and effective until it has been submitted to the legislature for review. Where the legislature finds that the agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution will be adopted rejecting, amending, or modifying the rule or any part thereof. A Notice of Final Rule must be published in the Idaho Administrative Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule that has been reviewed by the legislature and has not been rejected, amended, or modified will become final with no further legislative action. No rule shall become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule which is final and effective may be applied retroactively, as provided in the rule.

AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN

The Idaho Administrative Code and all monthly Bulletins are available for viewing and use by the public in all 44 county law libraries, state university and college and community college libraries, the state law library, the state library, the Public Libraries in Boise, Pocatello, Idaho Falls and Twin Falls, the Lewiston City Library, East Bonner County Library, Eastern Idaho Technical College Library, Ricks College Library, and Northwest Nazarene College Library.

SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs of publications, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0306, telephone (208) 332-1820.

The Administrative Bulletin is an official monthly publication of the State of Idaho. Yearly subscriptions or individual copies are available for purchase.

The Administrative Code, is an annual compilation or supplemental compilation of all final and enforceable temporary administrative rules and includes tables of contents, reference guides, and a subject index.

Individual Rule Chapters and *Individual Rulemaking Dockets*, are specific portions of the Bulletin and Administrative Code produced on demand.

Internet Access - The Administrative Code and Administrative Bulletin, as well as individual chapters and dockets, are available on the Internet at the following address:

<http://www.state.id.us/> - from Idaho Home Page select "Legal" then "Administrative Rules" link.

EDITOR'S NOTE: All rules are subject to frequent change. Users should reference all current issues of the Administrative Bulletin for negotiated, temporary, proposed, pending, and final changes to all rules, or call the Office of the Administrative Rules at (208) 332-1820.

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the *Idaho Administrative Bulletin* are organized by a numbering system. Each state agency has a two-digit identification code number known as the "IDAPA" number. (The "IDAPA" Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit "TITLE" number is assigned. There are "CHAPTER" numbers assigned within the Title and the rule text is divided among major sections with a number of subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.060.02.c.ii.

"IDAPA" refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

"IDAPA 38." refers to the Idaho Department of Administration.

"05." refers to Title 05 which is the Department of Administration's Division of Purchasing.

"01." refers to Chapter 01 of Title 05, "Rules of the Division of Purchasing".

"060." refers to Major Section 060, "Content of the Invitation to Bid".

"02." refers to Subsection 060.02.

"c." refers to Paragraph 060.02.c.

"ii." refers to Subparagraph 060.02.c.ii.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rulemaking actions (documents) are assigned a "DOCKET NUMBER". The "Docket Number" is a series of numbers separated by a hyphen "-", (38-0501-0101). The docket numbers are published sequentially by IDAPA designation (e.g. the two-digit agency code). The following example is a breakdown of a typical rule docket:

"DOCKET NO. 38-0501-0101"

"38-" denotes the agency's IDAPA number; in this case the Department of Administration.

"0501-" refers to the TITLE AND CHAPTER numbers of the agency rule being promulgated; in this case the Division of Purchasing (TITLE 05), "Rules of the Division of Purchasing" (Chapter 01).

"0101" denotes the year and sequential order of the docket submitted and published during the year; in this case the first rulemaking action of the chapter published in calendar year 2001.

*Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section "200" appears before Section "345" and so on). Whenever the sequence of the numbering is broken the following statement will appear:*

"(BREAK IN CONTINUITY OF SECTIONS)"

INTERNAL AND EXTERNAL CITATIONS TO ADMINISTRATIVE RULES IN THE CODE AND BULLETIN

When making a citation to another Section or Subsection that is part of the same rule, a typical internal citation may appear as follows:

"...as found in Section 201 of this rule." OR "...in accordance with Subsection 201.06.c. of this rule."

It may also be cited to include the IDAPA, Title, and Chapter number also, as follows:

"...in accordance with IDAPA 38.05.01.201."

"38" denotes the IDAPA number of the agency.

"05" denotes the TITLE number of the agency rule.

"01" denotes the Chapter number of the agency rule.

"201" references the main Section number of the rule that is being cited.

Citations made within a rule to a different rule chapter (external citation) should also include the name of the Department and the name of the rule chapter being referenced, as well as the IDAPA, Title, and Chapter numbers. The following is a typical example of an external citation to another rule chapter:

"...as outlined in the Rules of the Department of Administration, IDAPA 38.04.04, 'Rules Governing Capitol Mall Parking.'"

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2001

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
01-1	January, 2001	*November 15, 2000	January 3, 2001	January 24, 2001
01-2	February, 2001	December 20, 2000	February 7, 2001	February 28, 2001
01-3	March, 2001	January 24, 2001	March 7, 2001	March 28, 2001
01-4	April, 2001	February 21, 2001	April 4, 2001	April 25, 2001
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01-8	August, 2001	June 20, 2001	August 1, 2001	August 22, 2001
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01-10	October, 2001	**August 22, 2001	October 3, 2001	October 24, 2001
01-11	November, 2001	September 19, 2001	November 7, 2000	November 28, 2000
01-12	December, 2001	October 24, 2001	December 5, 2001	December 26, 2001

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2002

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
02-1	January, 2002	*November 14, 2001	January 2, 2002	January 23, 2001
02-2	February, 2002	December 19, 2001	February 6, 2002	February 27, 2001
02-3	March, 2002	January 23, 2002	March 6, 2002	March 27, 2001
02-4	April, 2002	February 20, 2002	April 3, 2002	April 24, 2001
02-5	May, 2002	March 20, 2002	May 1, 2002	May 22, 2001
02-6	June, 2002	April 17, 2002	June 5, 2002	June 26, 2001
02-7	July, 2002	May 22, 2002	July 3, 2002	July 24, 2001
02-8	August, 2002	June 19, 2002	August 7, 2002	August 28, 2001
02-9	September, 2002	July 24, 2002	September 4, 2002	September 25, 2001
02-10	October, 2002	**August 21, 2002	October 2, 2002	October 23, 2001
02-11	November, 2002	September 18, 2002	November 6, 2002	November 27, 2000
02-12	December, 2002	October 23, 2002	December 4, 2002	December 25, 2001

**Last day to submit proposed rulemaking before moratorium begins and last day to submit pending rules to be reviewed by the legislature.*

***Last day to submit proposed rules in order to complete rulemaking for review by legislature.*

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THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 2000-17

AUTHORIZING THE TRANSFER OF FUNDS TO THE DISASTER EMERGENCY ACCOUNT

WHEREAS, on the eighth day of February 1996, the twenty-seventh day of December 1996 and the eighteenth day of May 1997, due to severe flooding in various parts of the state of Idaho; by virtue of the authority in me, as Governor, by Idaho Code Sections 46-601 and 46-1008, I issued proclamations declaring that states of extreme and disaster emergencies existed for all counties in Idaho; and

WHEREAS, tremendous financial obligations and expenses have been and will be incurred by various departments and agencies of the state of Idaho in responding to and assisting in efforts to deal with this extreme flooding emergency; and

WHEREAS, all funds in the Disaster Emergency Account created by Idaho Code Section 46-1005A have or soon will be expended; and

WHEREAS, funds in the general account are available to transfer to the Disaster Emergency Account under the requirements set forth in Idaho Code Section 46-1005A(2)(b); and

WHEREAS, it is my judgment, as Governor of the state of Idaho, that any moneys transferred from the Budget Stabilization Fund up to the limits provided below would not be required to support the current year's appropriation of these funds;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby order as follows:

1. The state controller is directed to transfer moneys in the Budget Stabilization Fund to the Disaster Emergency Account in such amount and at such times as directed by me or my designee, the Administrator of the Division of Financial Management. In no event shall more than one (1) million dollars be transferred from the Budget Stabilization Fund to the Disaster Emergency Account during the current fiscal year.

2. In no event may the revenues made available under this executive order exceed, during any fiscal year, one percent (1%) of the annual appropriation of general account moneys for the fiscal year.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this twentieth day of December in the year of our Lord two-thousand and of the Independence of the United States of America the two hundred twenty-fourth and of the Statehood of Idaho the one hundred tenth.

DIRK KEMPTHORNE
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.06.01 - RULES GOVERNING THE PURE SEED LAW
DOCKET NO. 02-0601-0101
NOTICE OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is December 20, 2000.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule. The action is authorized pursuant to Section 22-418(4), Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the supporting reasons for temporary rulemaking:

To add a small retailer's exemption from an Idaho Seed Dealers License, new service fees for native/range species that were not listed before, and an increase in service testing fees for grain species. The rules also make technical corrections.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

House Bill 739, signed March 20, 1998, provided the director authority to set by rule, service and license fees pursuant to Section 22-418(4), Idaho Code. House Bill 430 (FY 2000), gave authority for license exemption to any person selling seed who has total annual gross seed sales not exceeding five hundred dollars (\$500). The division has been working with the seed industry to establish service fees for operation of the Idaho State Seed Lab.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

Negotiated fee increase for grain purities and established fees for eight range, native and canola species were added to service testing fee tables.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Dr. Roger Vega, Administrator, Division of Plant Industries at (208) 332-8620 or Richard Lawson, Bureau Chief, Division of Plant Industries at (208) 332-8630.

DATED this 20th day of December, 2000.

Michael Everett, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8531
Fax: (208) 334-2170

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0601-0101

250. LABEL REQUIREMENTS OF SEEDS FOR SPROUTING.

The following information shall be indicated on all labels of seeds sold for sprouting in health food stores or other

- outlets: (7-1-93)
- 01. **Name.** Commonly accepted name of kind. (7-1-93)
 - 02. **Lot.** Lot number. (7-1-93)
 - 03. **Percentage.** Percentage by weight of the pure seed, crop seeds, inert matter, and weed seeds if *required* present. (~~7-1-93~~)(12-20-00)T
 - 04. **Germination Percentage.** Percentage of germination. (7-1-93)
 - 05. **Date.** The calendar month and year the test was completed to determine such percentage. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

500. SERVICE TESTING FEES.

01. Table 1. Purity, Germination And Tetrazolium Fees.

Purity, Germination and Tetrazolium Fees			
Kind of Seeds:	Purity* \$/Unit	Germination** \$/Unit	Tetrazolium \$/Unit
Alfalfa	14.50	12.75	22.00
Alkali grass	17.50	11.00	22.00
Asparagus	14.50	12.75	22.00
Beans:			
Field and Garden	12.00	12.75	20.00
Lima	11.50	17.00	20.00
<u>Beardgrass (Bluestem)</u>	<u>35.00</u>	<u>20.00</u>	<u>25.00</u>
Beets	18.00	20.00	27.00
Bentgrass and Red top	32.00	15.00	24.00
Bermuda grass	21.00	14.00	22.00
Blue Gama	26.00	17.00	22.00
Bluegrass	22.50	15.00	22.00
Brassica (Except Radish)	33.00	15.00	24.00
<u>Brittlebrush</u>	<u>70.00</u>	<u>18.00</u>	<u>22.00</u>
Bromegrass	23.50	12.75	22.00
Canary grass	17.50	11.75	22.00
<u>Cane Bluestem</u>	<u>35.00</u>	<u>20.00</u>	<u>25.00</u>
<u>Canola/Rapeseed</u>	<u>33.00</u>	<u>15.00</u>	<u>24.00</u>
Cantaloupe	14.00	12.00	22.00

Purity, Germination and Tetrazolium Fees			
Kind of Seeds:	Purity* \$/Unit	Germination** \$/Unit	Tetrazolium \$/Unit
Carrot	14.50	13.00	22.00
Celery	16.50	12.75	22.00
Cereals (Except Oats)	15 8.00	12.50	22.00
Clovers:			
Red Clover	15.50	12.75	22.00
Other Clovers	15.00	13.00	22.00
Corn	14.50	12.50	18.00
<u>Creosotebush</u>	<u>70.00</u>	<u>18.00</u>	<u>25.00</u>
Cucumbers	14.00	12.00	22.00
Eggplant	14.00	12.00	22.00
Endive	14.00	12.50	22.00
Fescue	22.00	12.75	22.00
Flax	21.00	14.00	22.00
Flowers	16.00	16.00	25.00
Green Needlegrass	18.00	16.00	22.00
Indian Ricegrass	17.50	16.00	22.00
<u>Kochia</u>	<u>22.50</u>	<u>12.75</u>	<u>22.00</u>
Leek	17.00	15.00	22.00
Lentil	14.00	12.75	22.00
Lettuce	14.50	12.50	22.00
Little/Small Burnet	15.00	14.00	22.00
Meadow Foxtail	26.00	13.50	22.00
New Zealand Spinach	14.00	21.00	27.00
Oats	16 9.50	12.50	22.00
Oatgrass	17.50	11.00	25.00
Okra	26.00	14.00	22.00
Onion	14.50	12.75	22.00
Orchardgrass	25.50	14.00	22.00
Parsley	14.50	12.50	22.00
Parsnip	14.50	12.50	22.00
Peas:			
Field and Garden	14.00	13.00	20.00
Chickpeas	12.00	16.50	20.00

Purity, Germination and Tetrazolium Fees			
Kind of Seeds:	Purity* \$/Unit	Germination** \$/Unit	Tetrazolium \$/Unit
Pepper	14.50	13.00	22.00
Pumpkin	14.00	12.50	22.00
Radish	14.50	12.75	22.00
<u>Rubber Rabbitbush</u>	<u>70.00</u>	<u>20.00</u>	<u>22.00</u>
Ryegrass	22.00	12.00 24.00***	22.00
Sagebrush	35 70.00/Hour	15.50	25.00
Sainfoin	14.50	13.00	22.00
Saltbush	6 50.00	14.50	25.00
<u>Senna</u>	<u>50.00</u>	<u>18.00</u>	<u>25.00</u>
<u>Sedges</u>	<u>30.00</u>	<u>20.00</u>	<u>25.00</u>
<i>Cut Test</i>		20.00	
Squash	14.00	12.50	22.00
Sudangrass/Sorghum	17.00	14.00	22.00
Sunflower	21.50	12.50	22.00
Swiss Chard	18.00	20.00	27.00
Timothy	17.00	12.00	22.00
Tomato	14.50	12.00	22.00
Trees/Shrubs	14.50	15.50	25.00
Trefoil	15.00	13.00	22.00
Vetches	15.00	12.75	22.00
Watermelon	14.00	12.50	22.00
Wheatgrasses	34.00	15.00	22.00
Wild rye	21.00	12.00	22.00
Winterfat	35.00/Hour	17.50	22.00

* All samples submitted for purity should contain a minimum of three thousand (3,000) seeds.
 ** All samples submitted for germination should contain a minimum of eight hundred (800) seeds.
 *** With Fluorescence (~~3-20-97~~)(12/20/00)T

02. Table 2. Special Testing Fees.

Table 2. Special Testing Fees	
Test Procedures:	Fees \$/Unit
All States Noxious	10.50
Canada:	
Purity	11.50 Added to purity fee
Germination	2.00 Added to germination fee
Cold Test	21.00
Crop Check Only	22.00
Crop & Weed Check	22.00
<u>Cut Test</u>	<u>20.00</u>
Dodder Check	12.00
Dormancy Percentage	Dormant % found x germination fee
E.C. Norms	18.00
Ergot/Sclerotinia Check	11.00
Foreign Material	10.50
Fungus/Smut	16.00
Grading (beans)	16.00
Hay Pellet Germination	16.00
Identification	3.00
Inert Check Only	10.50
Inventory Germinations (For Carryover Seed Only)	20% Discount of listed germination fee; Available only for the months of March through July.
ISTA:	
Purity	11.50 Added to purity fee
Germination	2.00 Added to germination fee
Mixtures:	
Purity	11.00 Added per kind exceeding 5%
Germination	11.00 Added per kind exceeding 5%
Tetrazolium	16.00 Added per kind exceeding 5%
Moisture Test	12.50
1,000 Seed Count	11.00
Pest & Disease Check	11.00
Quarantine (Poa annua & Poa trivialis)	26.50

Table 2. Special Testing Fees	
Test Procedures:	Fees \$/Unit
<i>Rumex Check</i>	10.50
<i>Sod Check (Phone Report Only)</i>	25.00
Sod Quality:	
Bentgrass	60.00
Bermudagrass	58.00
Bluegrass	58.00
Fescue	41.00
Ryegrass	33.00
Sodium Hydroxide	10.00
Soil Check	12.00
Soil Germination	21.00
Sprout Check	10.50
Undesirable Grass Species	23.00
Weed Check Only	22.00

~~(3-20-97)~~(12-20-00)T

03. **Table 3. Miscellaneous Fees.**

Table 3. Miscellaneous Fees	
Type of Service:	Fees \$/Unit
FAX	\$2.50 per sheet
Hourly Charge for Analysis	\$35.00
Preparation Time	\$35.00/Hour: When necessary on germination and tetrazolium samples.
Reports:	
Copies	\$1.00
Merge Records	\$3.50
Retyped	\$4.00
Revised	\$6.00
Rush Service	\$18.00: <i>Not offered on mixtures or species with hourly purity fees</i>

~~(3-20-97)~~(12-20-00)T

(BREAK IN CONTINUITY OF SECTIONS)

600. SEED DEALER'S LICENSE FEES.

Seed dealers shall obtain a seed dealer's license for each location in Idaho before they can sell, offer for sale, expose for sale or deliver agricultural seeds in packages of eight (8) ounces or more or bulk under contract within the state of Idaho. Seed dealers shall pay only for the service or services they render according to the following fee schedule:

(3-18-99)

01. Condition Or Clean Seeds. License to condition or clean agricultural seeds in Idaho - fifty dollars (\$50). (3-18-99)

02. Label Container Or Bulk Seeds. License to label container or bulk agricultural seeds for sale in Idaho - fifty dollars (\$50). (3-18-99)

03. Sell, Offer Or Expose For Sale, Or Deliver Seeds. License to sell, offer for sale, expose for sale, or deliver agricultural seeds in packages of eight (8) ounces or more or in bulk under a contract in Idaho - fifty dollars (\$50). (3-18-99)

04. Exemptions. Any person selling seed who has total annual gross seed sales not exceeding five hundred dollars (\$500) is exempt from Section 600. (12-20-00)T

**IDAPA 08 - IDAHO STATE BOARD OF EDUCATION
AND STATE DEPARTMENT OF EDUCATION**

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0001

NOTICE OF CORRECTION TO PENDING RULE

CORRECTION: This notice corrects errors made during the publication of the pending rule. Text that should have been removed from the original proposed rule when it was adopted and published as a pending rule was inadvertently left in. The affected subsections of the rule are being corrected and reprinted in this Bulletin following this Notice of Correction to Pending Rule. The corrections are being made to the text and are reprinted in this Bulletin as they were submitted by the agency for publication. This correction is being done in conjunction with the Office of the Administrative Rules Coordinator.

EFFECTIVE DATE: This rule is now pending review by the 2001 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislative, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section 33-2003, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the nature of the corrections being made to the pending rule.

In Section 456 of IDAPA 08.02.03, two mistakes were made in Subsections 456.04.b. and 456.06. The text of these Subsections is being reprinted in its corrected form as it was originally submitted by the agency. The corrections are being published in legislative format to show the added and deleted text.

The pending rule was published in the December 6, 2000 Administrative Bulletin, Volume No. 00-12 on pages 18 through 20. The text of the proposed rule published in the July 7, 2000 Administrative Bulletin, Volume No. 00-7 on pages 30 through 32.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this correction, contact Gary Marx at (208) 332-6920.

DATED this 10th day of January 2001.

Dr. Bob West
Chief Deputy Superintendent
State Department of Education
PO Box 83720
Boise, ID 83720-0027
332-6814
334-2228 (fax)

THE FOLLOWING IS THE CORRECTED TEXT OF DOCKET NO. 08-0203-0001

SECTION 456

456. ~~999. (RESERVED)~~ GIFTED AND TALENTED PROGRAMS.

Subsection 456.04.b.

04. Screening. The district's process for identifying gifted and talented students shall include the following steps: ()

b. The district shall ~~make an in-depth assessment of~~ assess those students meeting the screening criteria and ~~gather~~ additional information ~~is gathered~~ concerning their specific aptitudes and educational needs; and ()

Subsection 456.06

06. Administration. The district shall designate a certificated staff person to be responsible for ~~program~~ development, supervision, and implementation ~~and funding~~ of the gifted and talented program. ()

**IDAPA 15 - OFFICE OF THE GOVERNOR
DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION**

15.04.01 - RULES OF THE DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION

DOCKET NO. 15-0401-0001

NOTICE OF CORRECTION TO PENDING RULE

CORRECTION: This notice corrects errors made during the publication of the pending rule. Specifically, three errors were discovered that gave incorrect citations to Subsections within the rule. These citations are being corrected and are reprinted in the descriptive summary of this notice. The pending rule was published in the January 3, 2001 Administrative Bulletin, Volume No. 01-1 on pages 73 through 77. This correction is being done in conjunction with the Office of the Administrative Rules Coordinator.

EFFECTIVE DATE: This rule is now pending review by the 2001 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislative, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5228, Idaho Code, notice is hereby given that this agency, with the consent of the Administrative Rules Coordinator, is correcting errors made to the pending rule. The action is authorized pursuant to Sections 67-5228 and 67-5309, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the nature of the corrections being made to the pending rule. Numbering errors were made in citations to the rule. The corrections are being printed as they should have appeared in the pending rule:

IDAPA 15.04.01, Subsection 010.17

17. Compensation Schedule. The pay grades established by Section 67-5309C, Idaho Code, and associated rates of pay established in Subsection 070.06~~5~~. ~~(7-1-94)~~(_____)

IDAPA 15.04.01, Subsection 125.05

04~~5~~. **Return From Military Duty.** An employee returning from military leave without pay (Subsection 250.05) who is relieved or discharged from military duty under conditions other than dishonorable shall be, upon application, reinstated in his or her former position, or one of comparable classification, without loss of credited state service, status, or pay as prescribed by Sections 46-216, 65-511 and 65-512, Idaho Code, or the Military Selective Service Act, Title 38, Chapter 43, U.S. Code. Application for reemployment must be made within ninety (90) calendar days after separation from military duty or from hospitalization continuing after discharge up to one (1) year. Salary treatment is covered by Subsection 072.09~~8~~. ~~(7-10-88)~~(_____)

IDAPA 15.04.01, Subsection 250.05

05. Military Leave Without Pay. An employee whose employment is reasonably expected to continue indefinitely, and who leaves his or her position either voluntarily or involuntarily in order to perform active military duty, has reemployment rights as defined in Subsection 125.04~~5~~. The employee shall either be separated from state service or placed in "inactive" status, at the option of the appointing authority. ~~(12-10-90)~~(_____)

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Daniel Steckel at 334-3596.

DATED this 14th day of November, 2000.

Ann Heilman, Administrator
Division of Human Resources
700 West State Street
P.O. Box 83720, Boise, ID 83720-0066
(208)334-3345 / (208)334-3182 (fax)

IDAPA 45 - HUMAN RIGHTS COMMISSION
45.01.01 - RULES OF THE IDAHO HUMAN RIGHTS COMMISSION
DOCKET NO. 45-0101-0001
NOTICE OF CORRECTION TO PENDING RULE

CORRECTION: This notice corrects errors made during the publication of the pending rule. Text was inadvertently added to the catchlines of two subsections during the formatting of the proposed rule for publication in the bulletin. The affected subsections of the rule are being corrected and reprinted in this Bulletin following this Notice of Correction to Pending Rule. The corrections are being made to the text and are reprinted in this Bulletin as they were submitted by the agency for publication. This correction is being done in conjunction with the Office of the Administrative Rules Coordinator.

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2001 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5228, Idaho Code, notice is hereby given that this agency, with the consent of the Administrative Rules Coordinator, is correcting an error. The action is authorized pursuant to Sections 67-5228 and 67-5906(12), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the nature of the corrections made to the pending rule.

In Section 011 of IDAPA 45.01.01, two mistakes were made in Subsections 011.02 and 011.03. The word "natural" was inadvertently added to the catchlines of these two subsections. The word "natural" is being removed and the text of these Subsections is being reprinted in its corrected form as it was originally submitted by the agency following this notice.

The pending rule was published in the January 3, 2001 Administrative Bulletin, Volume No. 01-1 on page 258. The text of the proposed rule published in the October 4, 2000 Administrative Bulletin, Volume No. 00-10 on pages 754 and 755.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Jo-Ann Bowen at (208) 334-2873.

DATED this 17th day of January, 2001.

Leslie R. Goddard, Director
Idaho Human Rights Commission
1109 Main Street, Suite 400
P.O. Box 83720
Boise, Idaho 83720
(208) 334-2873
fax: (208) 334-2664

THE FOLLOWING IS THE CORRECTED TEXT OF DOCKET NO. 45-0101-0001

SECTION 011

011. REPRESENTATION OF PARTIES.

In proceedings before the Commission, Complainants, Respondents, witnesses and any other persons authorized by the Commission to intervene must be represented as follows: ()

Subsection 011.02 and 011.03

02. ~~Natural~~ Partnership. A partnership must be represented by a partner, a duly authorized employee, or an attorney. ()

03. ~~Natural~~ Corporation. A corporation must be represented by an officer, a duly authorized employee, or an attorney. ()

IDAPA 50 - COMMISSION OF PARDONS AND PAROLE
50.01.01 - RULES OF THE COMMISSION FOR PARDONS AND PAROLE
DOCKET NO. 50-0101-9903

NOTICE OF CORRECTION TO PENDING RULE

CORRECTION: This notice corrects errors made during the publication of the pending rule. Text was inadvertently left in the rule that should have been deleted during the publication of the pending rule in the Bulletin. The error was not detected at the time of the publication of the pending rule and is being corrected in this bulletin. The affected subsections of the rule are being corrected and reprinted in this Bulletin following this Notice of Correction to Pending Rule. The corrections are being made to the text and are reprinted in this Bulletin as they were submitted by the agency for publication. This correction is being done in conjunction with the Office of the Administrative Rules Coordinator.

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2001 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5228, Idaho Code, notice is hereby given that this agency, with the consent of the Administrative Rules Coordinator, is correcting an error. The action is authorized pursuant to Sections 67-5228 and 20-223, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the nature of the corrections being made to the pending rule.

In Section 450 of IDAPA 50.01.01, errors were made in Subsections 450.02.d. and 450.02.d.i. Text that should have been removed from the proposed rule after being adopted by the commission as a pending rule was inadvertently left in the rule. The text that should have been removed is being corrected in this notice and the affected subsections are being republished as they were adopted by the commission and as they were submitted for publication. The corrected text is printed in legislative format following this correction notice.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction to the pending rule, contact Barbara McIntosh, 208-334-2520.

Dated this 17th day of January, 2001.

Olivia Craven, Executive Director
Commission of Pardons and Parole
3125 So. Shoshone
P.O. Box 83720
Boise, ID 83720
208-334-2520 (phone)
208-334-3501 (fax)

THE FOLLOWING IS THE CORRECTED TEXT OF DOCKET NO. 50-0101-9903

SECTION 450

450. COMMUTATION.

Commutation is a process whereby clemency may be considered and granted to modify a sentence imposed by the sentencing jurisdiction. (7-23-99)T

Subsection 450.02.d and 450.02.d.i.

02. Hearing. The scheduling of a hearing is at the complete discretion of the commission; if a commutation hearing is scheduled, the commission will determine the date of the hearing. (3-23-98)

d. The decision and supporting documents regarding a commutation ~~which is granted~~ will be filed with the secretary of state. (~~7-23-99~~)T(7-23-99)T

i. All written material considered in the decision process of ~~a the granted~~ commutation will be a matter of public record with the exception of the presentence investigation report; ~~and~~ victim information; ~~psychological reports, and other confidential documents.~~ (~~7-23-99~~)T(7-23-99)T

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IDAPA 08 - IDAHO STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION

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45.01.01 - RULES OF THE IDAHO HUMAN RIGHTS COMMISSION

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IDAPA 50 - COMMISSION OF PARDONS AND PAROLE

50.01.01 - RULES OF THE COMMISSION FOR PARDONS AND PAROLE

Docket No. **50-0101-9903**

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Bulletin Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

There are no proposed rules being promulgated or published in this issue of the Bulletin.

Please refer to the Idaho Administrative Bulletin, **February 7, 2001, Volume 01-2** for notices and text of all rulemakings, public hearing schedules, Governor's executives orders, and agency contact names.

Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering call (208) 332-1820 or write the Office of the Administrative Rules Coordinator, Department of Administration, 650 W. State St., Room 100, Boise, Idaho 83720. Visa and Mastercard accepted.

The Idaho Administrative Bulletin and Administrative Code are available on the Internet at the following address: **<http://www.state.id.us/>** - from the State of Idaho Home Page select Administration Rules.

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